

the money," said Jess, pointing to the bank. They looked at the building and Jess told them he would walk them over the route which Montani's cab took after leaving the bank with the money.

PLANNING THE HOLDUP.  
"We drifted through side streets," Kinsman told the police, "and along a street on which there was an elevated (Trinity place and Church street). We stopped here and there and discussed the best spot for the robbery. There was a division of opinion. Some finally decided to go back to the flat in West Third street, where Jess and Dutch lived. We had more drinks, talked the thing over again and separated after it had been decided that each man would submit a plan for the robbery."

"In the course of the next few days Montani through his friend Jess submitted his plan. Gene Splaine made certain suggestions. Dutch had a scheme of his own. Of course Joe the Kid had nothing to say, and I considered myself an amateur and kept my mouth shut. There were several meetings in the flat. We talked over how it would be best to board the taxi, how to prevent an outcry, the getaway and how the money was to be split up."

It appears that the bandits favored Sunday nights for their meetings, so on the Sunday night before the robbery they gathered again at the West Third street flat of Jess and Dutch. The plan of the holdup was agreed upon and to each man was assigned his part. Then on Tuesday night, two days before the robbery, Jess reported that Montani had been to the bank that day and it was likely that on Thursday, the next regular day for the East River Bank to get money from the Produce Exchange Bank, the messengers would carry about \$100,000. To the disgust of the robbers, however, Montani reported on Wednesday evening, Kinsman says, that before the close of the bank on that day the East River Bank sent him in his taxi with the messengers to the Produce Exchange Bank, which would probably mean that the bank messengers would not carry anything like \$100,000 on Thursday morning.

While disappointed the robbers decided to carry on as planned. Dutch called for Kinsman at the Manhattan Café at 1 o'clock in the morning, but Kinsman said he couldn't leave so early and Dutch waited for him. "Are you ready yet?" Dutch asked. "Yes, I am ready," Kinsman answered. "I'll be there in half an hour." Kinsman came in at 1 o'clock, when Splaine came in to the back room and said: "Jess and Dutch are waiting downstairs. They want to know if you are going to lay down." Kinsman's answer was "No," and he took off his waiter's apron and left the café with Dutch and Splaine.

"We went to a house on Fifteenth or Sixteenth street, where Dutch had taken a room," Kinsman said. "Jess, Joe the Kid and English Scotty went there. They had a couple of bottles of wine and they all took drinks. I didn't. About 5 o'clock we all went to sleep, six in a room. At 5:30 o'clock somebody got up. Dutch had a couple of bottles of wine and he told me I could have a revolver, but I told him I didn't want it. I can use my hands," I said. Dutch and Splaine took a black taxi. I think Joe the Kid took the revolver."

The sextet walked to a small restaurant in Sixth avenue and had breakfast. Kinsman says he was not particularly concerned. He did not want to go on with the job, but it sounded like an exciting stunt and he was afraid of the robbers. Kinsman said he thought if he got several thousand dollars he could send some of the money to his parents, bring his sixteen-year-old brother to this city and give him a good time. He had been living with his sudden wealth. Thinking of these things, Kinsman says he left the restaurant and Splaine and Dutch took a black taxi and went to the neighborhood and his friends as Jimmy Push, the saloon was pointed out to Kinsman. At the place where the money would be hidden, Kinsman said, the police were waiting. Kinsman says that Jess and his friends had been there before and picked out the best room as a convenient place to meet and divide the loot.

EXPECTED MONTANI'S DETENTION.  
Kinsman's story is—and the police say it is corroborated by Jess—that Jess sent his companions downstairs, saying that he was known as a friend of Montani's and that he wanted to have witnesses who would testify that he was not near the scene of the robbery. This was a ruse, Kinsman says, and he expected to be arrested, and it would not be well if the two of them were caught together.

Joe the Kid remained behind and the five walked to Edgar street the street which is the shortest in the city and without a house number and Trinity place. They went into the house at 10 o'clock and while they were standing in the back room they did not care to appear at the bar—Kinsman had a surprise. Three men came in, dressed in three "brigands" were there. Matteo was in command and with him was another Italian named Pauli. The other member of the gang, the police say they have not identified. Commissioner Dougherty says that all the men who took part in the holdup who had not been known to Montani before were introduced to him by Matteo.

"I had seen the 'brigands' before," Kinsman said, "and they were known as men. They always carried revolvers and they were ready to shoot. Up to this time I had no idea that they were going to be in on the holdup. Matteo, as usual, was running things, and he said that everything was all right. They went through with the job. Any of you fellows who quit will be killed. I don't want any money out of this, but I am here to see that everything is all right. We left the saloon and later I saw Matteo and another of the brigands standing in a doorway."

Kinsman and Gene Splaine stood on the west side of Trinity place. Dutch and Joe the Kid stood opposite them, while English Scotty was also on the west side of the street and about fifty feet above them.

English Scotty, who has been working as a dishwasher in the Hudson, in Washington Square, South had been picked out to step in front of Montani's cab when it came along so that Montani would have an excuse to slow down and let the robbers alight. The police point out that Jess and Montani's Italian friends, the "brigands," were careful not to participate in the actual holdup.

BLACKMAILING THE MESSAGERS.  
When Montani's cab turned into Trinity place from Morris street, Dutch, who had been the lookout, raised his hat. This was the signal. Kinsman jumped on the seat with Montani. Dutch opened the door and struck Wilbur F. Smith, the elderly messenger, with a blackjack. Dutch stumbled as he opened the door and the other side of the cab and had it been for the alert Joe the Kid, who boosted him into the cab, he would have fallen. He hammered Frank Wardle, the sixteen-year-old boy, on the head. Kinsman says he was very much dazed after that. Montani put on full speed, but Kinsman says he didn't know what to do, everything had happened so suddenly. He knew Splaine and Dutch were blackjacking the two messengers, as he could hear them. Montani was calm. "He told me to point my finger at the messenger who had been hit by the revolver, and I suppose I did, but I didn't remember anything about it until after the taxi had stopped."

Kinsman says that Montani drove the taxi as fast as he could, slipping by trucks and other vehicles, and people on the street seemed to be in a daze. Finally the cab stopped behind a black taxi. Dutch and Splaine jumped out and Kinsman

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hopped off his seat. Dutch had the telephone in his hand. He called Montani to shout at once. Kinsman says, and when he looked around he saw Dutch in the middle of a crowd.

He was feeling like a drunken man, Kinsman says, and the front of his clothing and his collar were blood soaked. His face was smeared with blood. Jess was with him and he seemed to stagger. He was in a daze. He thought he would jump on the running board of the car and Montani drive off with him. He was disgusted with life and hesitated to what car he should get into. He went to the river and jumping in, but Splaine hit me on the shoulder and said, "Come on."

In many respects Kinsman's story of what happened after this holdup is to be believed. Commissioner Dougherty took him over the route the taxi took on that Thursday morning and Kinsman told Dougherty that Montani drove up Church street to Chambers street, thence to Broadway, down Broadway to Park place, where he stopped in front of 52. Then the trio—Kinsman, Splaine and Dutch, together with Commissioner Dougherty—hurried over to Greenwich street, then to West and Warren, where they took a car and rode to Chambers street. Here they left the car and walked to Bleeker street.

Kinsman says that on the street car, which was crowded, passengers asked what had happened and Dutch, being the blood from his face, answered "a fight." Commissioner Dougherty said last evening that his men had not found a witness who had seen the blood men on the street, the street car or the elevated.

When they left the elevated train at Bleeker street they went to Jimmy Push's saloon. They went to the back room, for which Jess had the key. The police call this a tap room because it has three spittoons from which beer may be drawn on the table. The door to the room is closed. Here Kinsman and his companions found Jess, Joe the Kid and English Scotty. He didn't expect to find Montani, who was waiting for him in the division of the loot.

Then the "brigands," led by Matteo, entered the room, which was a surprise to Kinsman. Dutch and Splaine also were surprised. "Jess's lips turned blue and green," according to the police version of what happened. "His face turned white and his eyes danced. He talked with Matteo and Pauli. I could not hear what they said, but it was evident that they were telling about the money and that the brigands wanted to share in it. Dutch had the key in his lap and he put it on the floor. Then things began to happen."

NOW OVER SPOILS DIVISION.  
Matteo showed a revolver. At least one of the others drew a revolver. Jess was for peace and not for bringing in the police with a gun fight. The bag was opened and the money was counted. They had \$10,000 and each of the other three \$5,000. Each package was marked with a number. Kinsman said, Matteo grabbed the \$10,000 package and went to the door. Matteo said that he and his two companions "brigands" were to have \$3,000 each, and the other three \$5,000 each. Matteo said that he and his two companions "brigands" were to have \$3,000 each, and the other three \$5,000 each. Matteo said that he and his two companions "brigands" were to have \$3,000 each, and the other three \$5,000 each.

Kinsman then described how he got Swede Annie at the house in West Twenty-first street where she was waiting for him. He said that he had a new suit of clothes in place of the bloodstained suit he wore. They took a taxi in order to get to the money. They went to the road stations and drove to Peekskill. From there they went to Albany where he purchased clothes for himself and Swede Annie. They returned to New York and returned to this city after visiting the home of his parents in Boston as was told by Matteo.

It was Splaine who went to Chicago with Kinsman. They went to dances and prize fights. Splaine drinking hard all the time. They started to go to the city of Springfield. Two detectives of this city, Daley and Claire, had been sent to Chicago by Commissioner Dougherty and by using the money they started to go to Chicago. Splaine arrested in Memphis yesterday. Commissioner Dougherty said last evening that he had received a despatch from Splaine saying he would waive extradition.

JIMMY PUSH GIVES UP \$2,000.  
Kinsman's account of what occurred in Jimmy Push's saloon makes better sense than the other versions. He said yesterday. He says the only man he knew was Jess Albrozza, and that Jess was in his saloon about noon, or an hour after the robbery, and he was not there. Jess gave him a package, about the size of a collar box, covered with paper, and at Jess's request he took it to the house of his mother and got a box in his own name. When he returned to the house he told the police about it and turned over the keys. Commissioner Dougherty went to the house yesterday morning and found the package, which contained \$2,000. There were no identifying marks of the Produce National Bank, such as were found on the money which Kinsman left at the house. The police have a notion that the \$2,000 which Jess left with Push and which was put in the safety deposit box was intended for Montani. The money was recovered about \$2,750 of the \$25,000.

When the four prisoners, Montani, English Scotty, whose other name is Joseph, and Jess and Dutch, were arraigned before Magistrate Herrman in the Tombs police court yesterday afternoon they did not look like desperadoes. They had been to see District Attorney Whitman and had talked over the case against the prisoners, and Assistant District Attorney Nott represented the police.

They were charged with robbery and assault and Mr. Nott asked that bail for each prisoner be fixed at \$15,000. Fred Goldenberg appeared for Albrozza. Boxing Commissioner Frank O'Neill appeared for Kinsman and Kinnie McDonald for Montani. The prisoners were taken back to the Tombs. Montani spent most of the afternoon talking to his wife and his cousin—that is when the police were not talking to him.

The three women—Rose Levey was arrested yesterday—were arraigned after the men and there was some question whether an attempt would be made to get bail for them if they were only held as witnesses. Inspector Hughes had a complaint made against them accusing each of being an accessory, and bail for them was fixed at \$5,000 each. They were taken back to Police Headquarters, where they were jailed with the detectives all the afternoon. Rose Levey is said to be a friend of Swede Annie and she is thought to have been with one of the prisoners before the robbery. None of the women is attractive.

Much interest was taken by the crowds in the police court and at Police Headquarters in Mrs. Isabella Goodwin, the woman detective who roped the prisoners for Dougherty. She is a trim little woman with a soft voice and eyes that miss nothing. "I went to the house in West Twenty-first street where Swede Annie, Rose Levey and Myrtle Hoyt were living a week ago last Monday and I was there exactly a week," she said. "I was what you call a woman detective. I went all around the house, I washed the dishes, made the beds and collected the rents. When I wasn't doing one or the other I had my eye on the women. I was sure that I would catch them. It was terrible. I have never heard such language from men or women."

## Second Annual Exhibition Paintings

### OLD MASTERS

BY THE V. C. Fischer Art Galleries  
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Admission by Card

## U. S. PROBING HALT OF MILL CHILDREN

District Attorney, Under Washington Orders, Puts Investigators to Work in Lawrence.

Boston, Feb. 27.—Federal investigation of the action of the Lawrence police in preventing children from leaving that city last Saturday morning has been begun by United States District Attorney French on orders received to-day from the Department of Justice in Washington.

Special agents of the Department of Justice are to go to Lawrence to work on the matter. They will make their report to Mr. French.

LAWRENCE, Mass., Feb. 27.—That the sending of the children of strikers to other cities will be allowed by the police, but only under an arrangement whereby the authorities may be enabled to ascertain definitely that the circumstances in each case are not contrary to law, was the statement in the local police court to-day of Judge J. J. Mahoney. This statement by the Judge followed the taking of testimony in the case of two of the dozen or more children who were detained by the police when they prevented the exportation to Philadelphia last Saturday of more than one hundred young ones.

A point brought out by the defense was that in every instance tickets had been bought for these children when they were sent away from the city. Only two of the children, Pearl and William Brown, were involved in the testimony taken and Judge Mahoney said that under ordinary circumstances he would consider the neglect had been shown in the case of the Brown children, and they should be turned over to the State Board of charities.

He represented among the strikers, who are to be sent away and suggested that if more children are to go a list of them could be made and sent to Washington for an adequate investigation as to the circumstances of the home to which it is proposed to send them. The Judge suggested also that when his report is made to the State Board of charities the attorney might be able to get together with the city missionary and agree upon what, if any, of the children now in custody should be sent to the State Board of charities.

Acting City Marshal Sullivan announced this afternoon that he will not prevent the shipment of children from this city to Washington Saturday as planned by the strike committee providing he receives assurances from Congressman Berger that the latter will safeguard the children's welfare. About one hundred children will be sent, according to the present plans of the strikers. They will be selected in groups from all the nationalities represented among the strikers.

William D. Haywood, the strike leader, to-day challenged Capt. Proctor of the State police to uncover the dynamite threat which he said was made by the strikers about the children. Haywood said to the strikers:

"Now is the time that we want to take the reins and hold them in our own hands. We have the sympathy of the working class and the public is with us. So let us put Mr. Proctor on record. If he has knowledge of any dynamite threat let him choose his ally before any crime can be committed. The strikers will not be held responsible for any fraud."

A proclamation which has been drawn up by the strikers and is being circulated among the strikers and rehearsing the unfair treatment which they claim has been heaped upon them, first by employers and now by the police, was read and endorsed. It was pointed out that the strikers were surrounded by bayonets of the militia and were driven "up and down the streets by armed police."

These men and women cannot suffer much longer," the statement read. "They will be compelled to rise in armed revolt against their oppressors to the present state of affairs. The committee proposes to have the proclamation translated into various languages and spread broadcast."

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De Lancey Nicoll and His Son Both Summoned to Philadelphia.  
Miss Josephine Nicoll, daughter of De Lancey Nicoll, critically ill with pneumonia at the St. James Hotel, Philadelphia, reached the crisis in her sickness last night. Her physicians, Dr. W. Gilman Thompson of New York and Dr. Andros of Philadelphia, were very anxious about her condition. It was thought that if she could live through the night her recovery was assured.

De Lancey Nicoll hurried to Philadelphia yesterday at noon after receiving a telegram from Mrs. Nicoll saying that her daughter was very much worse. De Lancey Nicoll, a freshman at Princeton, also went to Philadelphia. Mrs. Nicoll was 18 years old last October. She was educated at the Chestnut Hill School, Philadelphia, from which she was graduated last June. She made her debut in December last year. She went to Philadelphia recently to attend a dance and was there taken ill. Mr. and Mrs. James M. Dodge

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## BRANDT LINGERS IN THE TOMBS PRISON

Fischer-Hansen Fails to Have Schiff Indicted, Then Seeks Warrant.

GRAND JURY QUESTION HIM

Gans Affidavit Contradicting Hansen Offered for Part of the Record.

Carl Fischer-Hansen, the disbarred lawyer, denounced by Mortimer L. Schiff as the man who produced a letter that was the first intimation of Folke E. Brandt's stories involving Mrs. Schiff, testified before the Grand Jury yesterday that he had nothing to do with the preparation of the letter and that it was handed to him by a Tombs prisoner named Ryan, who had got from Brandt.

Fischer-Hansen asked the Grand Jury to indict Mr. Schiff for "making false and malicious statements." The Grand Jury took District Attorney Whitman's advice that Hansen's complaint was a matter to lay before a Magistrate. Hansen says he then went to Magistrate Herbertson asked for a warrant. In a letter addressed to Mr. Schiff and made public last night by Hansen he says:

"I was refused the warrant on the ground that although the statement had appeared alike in all the newspapers and that you, lacking legal evidence to show that you were really the author and the one who had given it or caused it to be given to the press," Hansen then gave the statement to the newspapers.

Howard S. Gans made affidavit that Hansen had not told the truth in his affidavit on Monday that Gans sat on the bench with Judge Rosakovsky on March 28, 1907, the day Brandt changed his plea of not guilty of burglary in the first degree to guilty, and that John H. Iselin, Gans's partner, sat on the steps of the bench.

Gans's affidavit forth also that Fischer-Hansen had produced a letter as to Gans's visits to Brandt in the Tombs and as to other matters. The Gans affidavit, accompanied by a corroborative affidavit from Mr. Iselin, was sent to District Attorney Whitman and Attorney-General Carmody with a letter from Nicolli, Anable, Lindsay & Fuller, counsel for Mr. Schiff and Mr. Gans, asking that the affidavits be filed in the habeas corpus proceedings before Judge Gerard.

Brandt was not let out on bail yesterday, although Judge Gerard admitted him to bail on the indictment for burglary in the first degree and General Sessions Judge Crain fixed bail on the indictment for felonious assault. He was held on a bench warrant. If the District Attorney clears the way Brandt may be let out to-day. His release depends possibly on when he may be wanted to testify before the conspiracy Grand Jury.

The Grand Jury proceedings were considered of special interest yesterday because of points that were developed by the public statement of Mr. Schiff. Fischer-Hansen had testified volubly on Monday, but when he reappeared yesterday the Grand Jury wanted to know about the letter which reflected on Mr. Schiff that Fischer-Hansen carried to Judge Rosakovsky on April 8, 1907, four days after Brandt was sentenced. The Grand Jury wanted to know if Hansen had a hand in getting up this letter. Hansen told this story:

He said that about April 6 or 7, 1907, at any rate after Brandt had been removed from the Tombs to Sing Sing, a man named Ryan, who was a prisoner in the Tombs, sent for him and gave him a letter which he told the lawyer had been entrusted to him by Brandt. Fischer-Hansen put the letter in his pocket and opened it later on when he got to his office. It contained a letter in a separate envelope addressed to Mrs. Schiff. Fischer-Hansen told the Grand Jury that accidentally he tore open both envelopes. Within the outer cover was a note from Brandt to him, thanking him for what he had done and asking him to give the enclosed letter to Mrs. Schiff and to put it into Mrs. Schiff's own hands. Brandt had made this endorsement:

"Please be sure and see that Mrs. Schiff gets this letter, give it into her own hands. She is a very rich lady, and is going to get me out of my trouble."

Fischer-Hansen admitted yesterday that he read the letter that was addressed to Mrs. Schiff. He was puzzled as to what to do, but finally decided to send the letter to Judge Rosakovsky. Judge Rosakovsky was on the bench presiding at a trial. He read the letter, listened to Fischer-Hansen's suggestion that an investigation be done to see if Brandt had sent the letter to him, and then said that it might be well for Mr. Jerome (then District Attorney), Mr. Gans, Fischer-Hansen and himself to meet at 2 o'clock on the morning of March 8, to talk over the best thing to do. Jerome said Fischer-Hansen did not appear, but Assistant District Attorney Nott came in his place. The letter was read by Nott, turned over to Judge Rosakovsky and was finally given by Judge Rosakovsky to Mr. Gans.

The second witness of importance before the Grand Jury was Dr. Carlos E. MacDonald, the alienist, who, with Dr. William Mabon, examined Brandt twice in Mr. Schiff's office on March 11, 1907, and the court on the next day, the day before Brandt was indicted. Dr. MacDonald testified that he and Dr. Mabon were employed by Howard S. Gans. He said that he had never seen Brandt before the trial of Harry K. Thaw and got them to go to Mr. Schiff's office. After detailing the circumstances of the first examination of Brandt, Dr. MacDonald said that he was not aware that Brandt was represented by counsel. He was asked if he supposed it was not unusual. He said he supposed it was. Taking up the second examination the Grand Jury wanted to know by what authority the alienists got into the Tombs. Dr. MacDonald said he had no authority from the District Attorney's office or from the prisoner Brandt. He could not remember just how it was. Questioned as to whether he had considered it strange that a lawyer opposed to Brandt should have employed him Dr. MacDonald said he hadn't considered that phase of the matter. He said he supposed he was doing his professional duty.

The other witnesses were Mr. and Mrs. C. A. Peterson. They were named by Detective Lieutenant Woodbridge as the authority for statements fixing Brandt's character for dishonesty. Peterson told the Grand Jury that he did not know Woodbridge and that he had never given information about Brandt to Woodbridge. Mrs. Peterson ran the agency, said her husband, and he had never visited it and knew nothing about the business. Mr. Peterson also had never seen Woodbridge or any other person making inquiries about Brandt.

It is likely that former Warden Frost of Sing Sing was the one who was asked why Brandt was transferred from Sing Sing to Dannemora. Prison employees who worked on the same tier of cells in which Brandt was confined will be called to tell what they know about visits received by Brandt while he was in Sing Sing.

Mr. Nicolli says that an affidavit of a

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disbarred lawyer repeating statements alleged to have been made to him by a convicted felon ought not to be recited on Justice Gerard's order without condemnation if contradiction be forthcoming. To that end he forwarded to the District Attorney affidavits by Mr. Gans and by John H. Iselin. In an exoneratory affidavit he stated that his name was in his first affidavit, made January 29, 1912, says positively that he was retained by Brandt, and appeared for Brandt on March 28, 1907, when Brandt changed his plea of guilty; that in the same affidavit Hansen says nothing about Brandt's having told him that Gans had promised leniency in case of a plea of guilty.

In his second affidavit, dated February 12, 1912, filed before Justice Gerard, Fischer-Hansen withdrew the statement that he was to receive a light sentence. He stated before Judge Rosakovsky on March 28 and had previously conferred with him, as he positively swore in his earlier affidavit, but says that he had never seen Brandt before his appearance in court. He said he asked the day when he happened to be in court on another case. Fischer-Hansen then proceeds to say that a few days after this occurrence he received through the mail a letter from Brandt asking him to see him at the Tombs. Fischer-Hansen then repeats the alleged statements of Brandt that he had changed his plea from guilty to not guilty under an arrangement with Howard Gans, whereby he was to receive a light sentence. The affidavits, which, according to Fischer-Hansen's affidavit, are borne out by the fact of Mr. Gans's visits to the Tombs and the fact that they, doubtless meaning the Schiffs or Mr. Gans, provided Brandt with a letter to the effect that he was to receive a light sentence. The affidavits of Fischer-Hansen's later affidavit is proved by his statements in his earlier affidavit. In that affidavit he says that he repeats his conversation with Mr. Schiff and Mr. Gans and indicates plainly that his conversation with Mr. Schiff and Mr. Gans was prior to March 28. (The day on which the plea of guilty was withdrawn.)

"While the District Attorney has not yet been able to avail himself of our offer to furnish all information within our power, the offer is still open," the statement says.

Mr. Gans's affidavit is a flat denial of Fischer-Hansen's statements. It asserts that Gans saw Brandt only once, on the Tombs, on March 28, 1907, and that Brandt told him then that if the charge was pressed he would make reflections upon Mrs. Schiff, to which Gans replied that Brandt had better not tell him. Gans denies that he promised leniency to Brandt. He does not allude to Fischer-Hansen's statement that he (Gans) sat on the bench with Judge Rosakovsky on March 28, 1907. Mr. Iselin, however, treats of that in his affidavit. He says Gans was not in the courtroom to the trial of Brandt, and that he had no conversation with Gans on the day of the trial. He said he was present when J. C. Rosenthal talked over Brandt's case with Gans, and that he heard Gans tell Brandt that he would not intercede for Brandt and that the man was a dangerous criminal.

If Brandt gets out of prison to-day it will be because of the plea of guilty. In Part I. of General Sessions, to admit Brandt yesterday afternoon to bail on the indictment for burglary in the first degree because he was not sure in his mind whether Justice Gerard's decision was correct. He said that he was not sure in his mind whether Justice Gerard's decision was correct. He said that he was not sure in his mind whether Justice Gerard's decision was correct.

Brandt was not let out on bail yesterday, although Judge Gerard admitted him to bail on the indictment for burglary in the first degree and General Sessions Judge Crain fixed bail on the indictment for felonious assault. He was held on a bench warrant. If the District Attorney clears the way Brandt may be let out to-day. His release depends possibly on when he may be wanted to testify before the conspiracy Grand Jury.

The Grand Jury proceedings were considered of special interest yesterday because of points that were developed by the public statement of Mr. Schiff. Fischer-Hansen had testified volubly on Monday, but when he reappeared yesterday the Grand Jury wanted to know about the letter which reflected on Mr. Schiff that Fischer-Hansen carried to Judge Rosakovsky on April 8, 1907, four days after Brandt was sentenced. The Grand Jury wanted to know if Hansen had a hand in getting up this letter. Hansen told this story:

He said that about April 6 or 7, 1907, at any rate after Brandt had been removed from the Tombs to Sing Sing, a man named Ryan, who was a prisoner in the Tombs, sent for him and gave him a letter which he told the lawyer had been entrusted to him by Brandt. Fischer-Hansen put the letter in his pocket and opened it later on when he got to his office. It contained a letter in a separate envelope addressed to Mrs. Schiff. Fischer-Hansen told the Grand Jury that accidentally he tore open both envelopes. Within the outer cover was a note from Brandt to him, thanking him for what he had done and asking him to give the enclosed letter to Mrs. Schiff and to put it into Mrs. Schiff's own hands. Brandt had made this endorsement:

"Please be sure and see that Mrs. Schiff gets this letter, give it into her own hands. She is a very rich lady, and is going to get me out of my trouble."

Fischer-Hansen admitted yesterday that he read the letter that was addressed to Mrs. Schiff. He was puzzled as to what to do, but finally decided to send the letter to Judge Rosakovsky. Judge Rosakovsky was on the bench presiding at a trial. He read the letter, listened to Fischer-Hansen's suggestion that an investigation be done to see if Brandt had sent the letter to him, and then said that it might be well for Mr. Jerome (then District Attorney), Mr. Gans, Fischer-Hansen and himself to meet at 2 o'clock on the morning of March 8, to talk over the best thing to do. Jerome said Fischer-Hansen did not appear, but Assistant District Attorney Nott came in his place. The letter was read by Nott, turned over to Judge Rosakovsky and was finally given by Judge Rosakovsky to Mr. Gans.

The second witness of importance before the Grand Jury was Dr. Carlos E. MacDonald, the alienist, who, with Dr. William Mabon, examined Brandt twice in Mr. Schiff's office on March 11, 1907, and the court on the next day, the day before Brandt was indicted. Dr. MacDonald testified that he and Dr. Mabon were employed by Howard S. Gans. He said that he had never seen Brandt before the trial of Harry K. Thaw and got them to go to Mr. Schiff's office. After detailing the circumstances of the first examination of Brandt, Dr. MacDonald said that he was not aware that Brandt was represented by counsel. He was asked if he supposed it was not unusual. He said he supposed it was. Taking up the second examination the Grand Jury wanted to know by what authority the